

STANDARD APPLICATION
Harford County
Board of Appeals
Bel Air, Maryland 21014

Case No. 5560
Date Filed 7/12/06
Hearing Date _____
Receipt _____
Fee \$450.00

Shaded Areas for Office Use Only

Type of Application

- ____ Administrative Decision/Interpretation
____ Special Exception
____ Use Variance
____ Change/Extension of Non-Conforming Use
____ Minor Area Variance
____ Area Variance
____ Variance from Requirements of the Code
____ Zoning Map/Drafting Correction

Nature of Request and Section(s) of Code _____

CASE 5560 MAP 28 TYPE Variance ELECTION DISTRICT 05

LOCATION 1844 Trappe Church Road, Darlington 21034

BY Dennis and Deborah Billings

Appealed because a variance pursuant to Sec. 267-34(C) Table II of the Harford County Code to permit an addition to encroach the 70' front yard setback (58' setback proposed from the center of the road) in the AG District, requires approval by the Board.

NOTE: A pre-conference is required for property within the NRD/Critical Area or requests for an Integrated Community Shopping Center, a Planned Residential Development, mobile home park and Special Exceptions.

Applicant/Owner (please print or type)

Name Dennis Dewey Billings Phone Number 410-457-4772

Address 1844 Trappe Church Road Darlington MD 21034
Street Number Street City State Zip Code

Co-Applicant Deborah Hope Billings Phone Number 410-457-4772

Address 1844 Trappe Church Road Darlington MD 21034
Street Number Street City State Zip Code

Contract Purchaser N/A Phone Number _____

Address _____
Street Number Street City State Zip Code

Attorney/Representative _____ Phone Number _____

Address _____
Street Number Street City State Zip Code

Land DescriptionAddress and Location of Property 1844 Trappe Church Road, Darlington, MD 21034S E of Poplar GroveSubdivision N/A

Lot Number _____

Acreage/Lot Size 1.21 acresElection District 05Zoning AgTax Map No. 28Grid No. 2AParcel 19Water/Sewer: Private ☒Public ☐List ALL structures on property and current use: Primary residence: 1 story brick rancher, shedEstimated time required to present case: 30 minutesIf this Appeal is in reference to a Building Permit, state number N/AWould approval of this petition violate the covenants and restrictions for your property? NoIs this property located within the County's Chesapeake Bay Critical Area? Yes ☐ No ☒If so, what is the Critical Area Land Use designations: N/AIs this request the result of a zoning enforcement investigation? Yes ☐ No ☒Is this request within one (1) mile of any incorporated town limits? Yes ☐ No ☒**Request**Variance to allow addition to home to encroach front yard setback of 70 feet: proposed setback will be approximately 58 feet. Addition will be 12 foot by 12 foot, for a total of 144 square feet, to the front of existing home.**Justification**See attached Justification

If additional space is needed, attach sheet to application. In answering the above questions, please refer to the Requirements that pertain to the type of approval request. (Special Exception, Variance, Critical Area or Natural Resource District (NRD) Variance, etc.)

Harford County Zoning Variance Application Justification

Our justification is due to the uniqueness of our property. Our property fronts two roads:

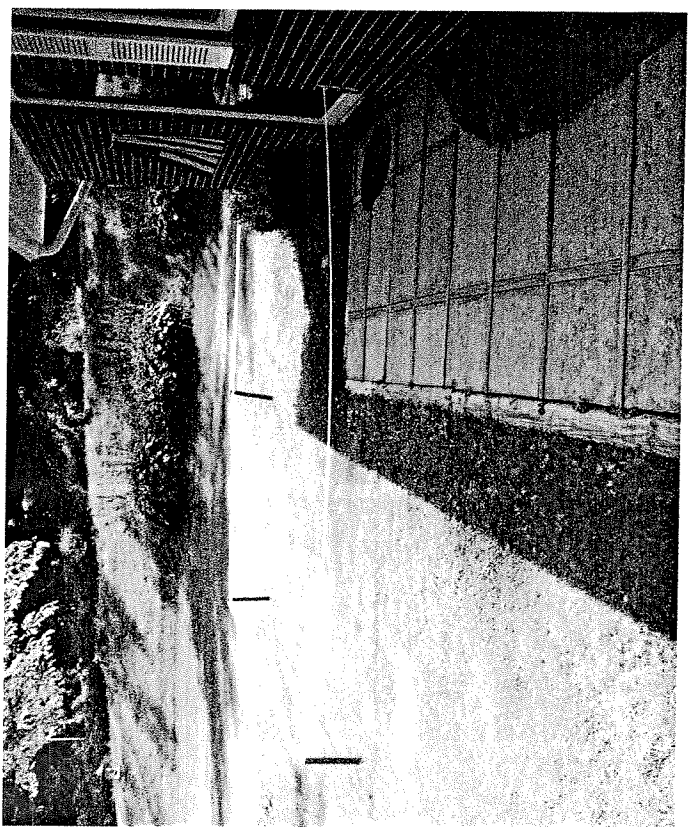
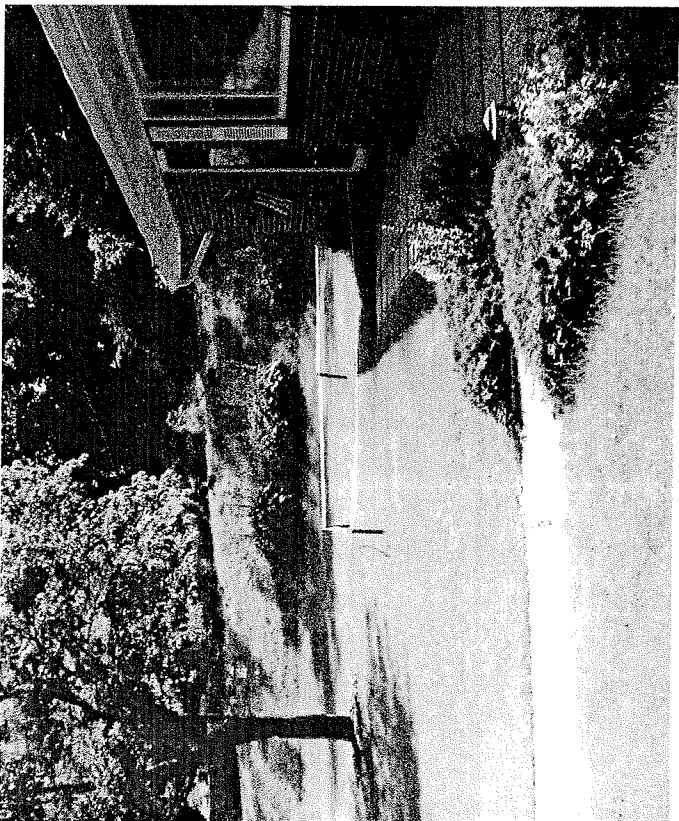
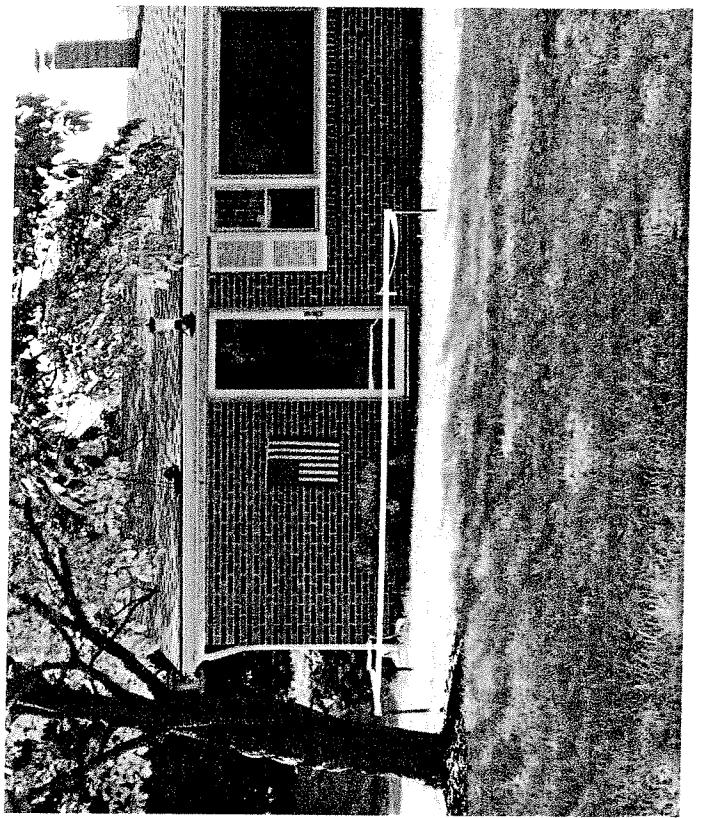
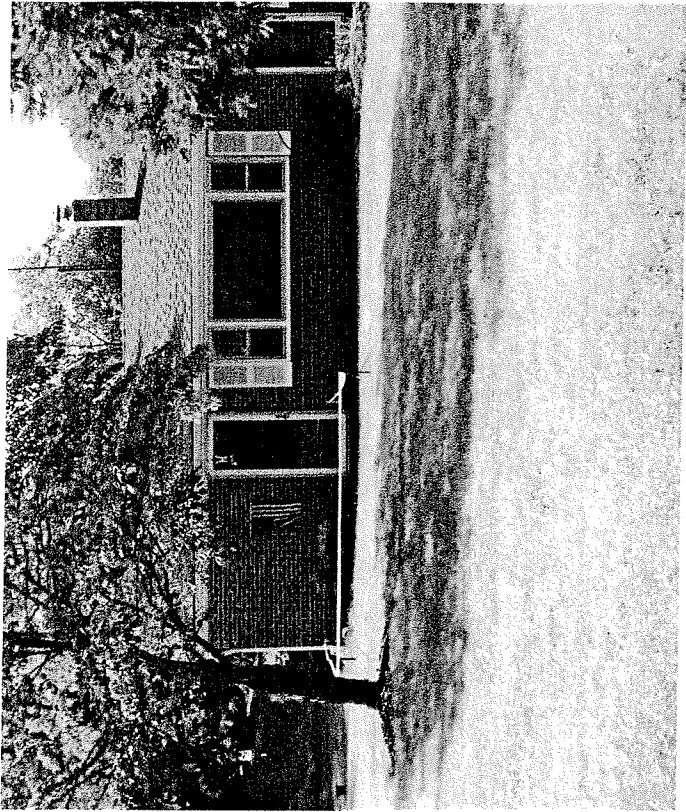
Trappe Church Road to the front of the house, and Poole Road to the far back & side of the house. The property lot is a long and narrow shaped. Lot and structure predated 1958 zoning. Due to the shape of the lot and location of the house, it is both logistically and architecturally the only direction to build the addition. The septic reserve is located at the rear of the house, and the well and overhead utilities are located to the left side of the house. The driveway is located down a slope to the right side of the house.

The addition would improve the look as well as provide needed space for our family. The addition would provide an enlarged kitchen with an eating area for our family.

Farms surrounding the property are in Ag preservation program.

We have contacted our neighbors that this would impact and they each signed a written statement that they would not oppose our addition.

In closing, we respectfully request that you consider our unique circumstances and grant permission for a variance for our project.



DAVID R. CRAIG
HARFORD COUNTY EXECUTIVE

LORRAINE COSTELLO
DIRECTOR OF ADMINISTRATION



C. PETE GUTWALD
DIRECTOR OF PLANNING & ZONING

HARFORD COUNTY GOVERNMENT

Department of Planning and Zoning

August 30, 2006

STAFF REPORT

BOARD OF APPEALS CASE NO. 5560

APPLICANT/OWNER: Dennis Dewey Billings
1844 Trappe Church Road, Darlington, Maryland 21034

Co-APPLICANT: Deborah Hope Billings
1844 Trappe Church Road, Darlington, Maryland 21034

REPRESENTATIVE: Applicant

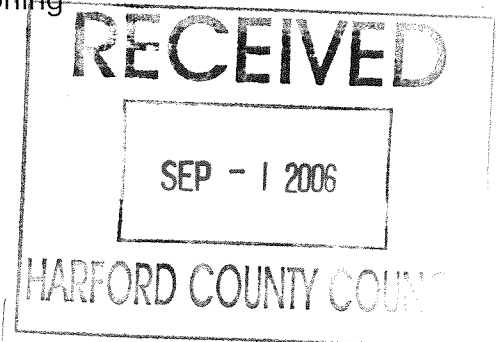
LOCATION: 1844 Trappe Church Road
Tax Map: 28 / Grid: 2A / Parcel: 19
Election District: Five (5)

ACREAGE: 1.21 acres

ZONING: AG/Agricultural

DATE FILED: July 12, 2006

HEARING DATE: September 11, 2006



APPLICANT'S REQUEST and JUSTIFICATION:

Request:

"Variance to allow addition to home to encroach into front yard setback of 70 feet: proposed setback will be approximately 58 feet. Addition will be 12 foot by 12 foot, for a total of 144 square feet, to the front of the existing home."

Justification:

See ATTACHMENT 1.

Preserving Harford's past; promoting Harford's future

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Dennis & Deborah Billings

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CODE REQUIREMENTS:

The Applicants are requesting a variance pursuant to Section 267-34(C), Table II of the Harford County Code to permit an addition to encroach the 70-foot front yard setback (58-foot setback proposed) from the center of the road, in the AG/Agricultural District.

Enclosed with the report is a copy of Section 267-34(C), Table II of the Harford County Code (Attachment 2).

LAND USE and ZONING ANALYSIS:

Land Use – Master Plan:

The Applicant's property is located in the northeast area of the County. The parcel has road frontage on the southwest side of Poole Road and the north side of Trappe Church Road. A location map and a copy of the Applicant's site plan are enclosed with the report (Attachments 3 and 4).

The property is located outside of the Development Envelope. The predominant land use designation in this area of the County is Agricultural. The Natural Features Map reflects Deer Creek Scenic River District, Sensitive Species Project Review Areas, Habitats of Local Significance, Agricultural Preservation Districts and Easements and Maryland Environmental Trust Easements. The subject property is designated as Agricultural which is defined by the 2004 Master Plan as:

***Agricultural** – Areas where agriculture is the primary land use, but where developments rights are available. Residential development is possible at a density of 1.0 dwelling unit for every 10 acres. Commercial uses within this area are intended to serve the agriculture industry or residents of the area while maintaining the character of the surrounding countryside.*

Enclosed with the report are copies of portions of the 2004 Land Use Map and the Natural Features Map (Attachments 5 and 6).

Land Use – Existing:

The existing land uses conform to the overall intent of the Master Plan. The predominant land use is Agriculture and includes cropland, pastureland and large areas of dense woodland. There are no major residential developments in the area. The topography in this area of the County ranges from rolling to steep especially near the stream valleys. Numerous properties in the area are in County or State Agricultural Preservation Easements. A copy of the topography map and the aerial photograph are enclosed with the report (Attachments 7 & 8).

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Dennis & Deborah Billings

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The subject property is an irregular shaped parcel approximately 1.21 acres in size with frontage on both Poole Road and Trappe Church Road. The topography of the lot ranges from gently sloping to rolling. The lot slopes up gently from Trappe Church Road to the front of the house. The property to the left and rear of the house rises sharply. It would be difficult to add on to the rear or left side of the dwelling. Enclosed with the report is a copy of the existing and proposed floor plan and construction proposal from the builder (Attachments 9 and 10). The well is located just to the left side of the dwelling. The septic system is located to the rear of the dwelling. Improvements consist of an all brick rancher with a one car garage with roof top patio, a small frame shed immediately to the rear of the dwelling and a child's swing set and play area in the rear yard. The Applicants are proposing to construct a detached garage to the right of the dwelling at the end of the driveway (Attachment 11). Site photographs along with an enlargement of the aerial photograph are enclosed with the report (Attachments 12 and 13).

Zoning:

The zoning classifications in the area are consistent with the 2004 Master Plan as well as the existing land uses. The predominant zoning classification is AG/Agricultural. The subject property is zoned AG/Agricultural as shown on the enclosed copy of the zoning map (Attachment 14).

SUMMARY:

The Applicants are requesting a variance pursuant to Section 267-34(C), Table II of the Harford County Code to permit an addition to encroach the 70-foot front yard setback (58-foot setback proposed) from the center of the road, in the AG/Agricultural District.

Variances of this nature may be approved by the Board of Appeals pursuant to Section 267-11 of the Harford County Code, provided it finds by reason of the uniqueness of the property or topographical conditions that literal enforcement of the Code would result in practical difficulty and undue hardship. Further, the applicant must show that the request will not be substantially detrimental to adjacent properties or will not materially impair the purpose of the Code or the public interest.

The Department finds that the subject property is unique. The property has a unique shape and the proposed location of the addition is the only practical location. The Code requires a 70 foot setback from the center line of the road which the dwelling presently meets. The proposed addition will reduce the front yard setback in the area of the addition to 58 feet. The proposed room addition will not impact adjacent properties or traffic on Trappe Church Road. There are several older homes along Trappe Church Road that are non-conforming to the front yard setback. The Applicant's have contacted their neighbors who have signed a statement that they have no objection to the proposed addition (Attachments 15).

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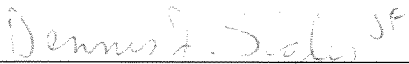
Dennis & Deborah Billings


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RECOMMENDATION and or SUGGESTED CONDITIONS:

The Department of Planning and Zoning recommends that the requested variance be approved subject to the following conditions.

- 1) The Applicants obtain all necessary permits and inspections for the addition.
- 2) The Applicants shall provide landscaping between the dwelling and Trappe Church Road. A landscaping plan shall be submitted to the Department of Planning and Zoning for review and approval.


Dennis J. Sigler, Coordinator
Zoning & Board of Appeals Review


Anthony S. McClune, AICP
Deputy Director, Planning and Zoning

DJS/ASM/jf